

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**DAVID ALLEN TEBBETTS and
CYNTHIA INGRAM TEBBETTS,**

Plaintiffs,

v.

**BLUE CROSS BLUE SHIELD OF
ALABAMA; CARECORE
NATIONAL, LLC; and JANE
DOE 1-10,**

Defendants.

Case Number 2:07-cv-00925-MEF

**JOINDER IN BLUE CROSS AND BLUE SHIELD OF ALABAMA’S
BRIEF IN OPPOSITION TO PLAINTIFFS’ MOTION TO REMAND**

COMES NOW defendant CareCore National, LLC (“CareCore”), and hereby joins in defendant Blue Cross and Blue Shield of Alabama’s Brief in Opposition to Plaintiffs’ Motion to Remand. As grounds for this opposition, CareCore adopts and incorporates the arguments asserted by Blue Cross and Blue Shield of Alabama (“Blue Cross”), including the arguments that this case is properly before this Court because plaintiffs’ claims are preempted by ERISA since Ms. Tebbetts’s employer established and maintained an employee welfare benefits plan for the benefit of its employees, including Ms. Tebbetts, and because Blue Cross’s Notice of Removal complied with the procedural requirements of 28 U.S.C. § 1446(a).

WHEREFORE, THE PREMISES CONSIDERED, CareCore respectfully requests that Plaintiffs' Motion to Remand be denied.

Respectfully submitted,

/s/ Rebecca C. Eubanks

Bruce F. Rogers

Rebecca C. Eubanks

Attorneys for CareCore National, LLC

BAINBRIDGE, MIMS, ROGERS & SMITH, LLP

The Luckie Building, Suite 415

600 Luckie Drive (35223)

Post Office Box 530886

Birmingham, Alabama 35253

Telephone: 205-879-1100

Facsimile: 205-879-4300

E-Mail: brogers@bainbridgemims.com
reubanks@bainbridgemims.com

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

M. Clayborn Williams
Thomas O. Sinclair
Jennifer C. Wallis
CAMPBELL, GIDIERE, LEE, SINCLAIR & WILLIAMS, P.C.
2100-A Southbridge Parkway, Suite 450
Birmingham, Alabama 35209

Cavender C. Kimble
Leigh Anne Hodge
BALCH & BINGHAM LLP
Post Office Box 306
Birmingham, Alabama 35201-0306

/s/ Rebecca C. Eubanks
Of Counsel